

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION**

UNITED STATES OF AMERICA,

v.

RUSSELL LUCIUS LAFFITTE,

Defendant.

Case No.: 9:22-cr-00658-RMG

STATUS REPORT

Defendant Russell Lucius Laffitte (“Mr. Laffitte”) submits this status report pursuant to the direction of the Court during the status conference held on December 5, 2024 (ECF No. 350).

During the status conference, the Court requested this status report following the conclusion of the status hearing in *State v. Laffitte* held before Circuit Judge Heath P. Taylor on December 9, 2024 in Orangeburg, South Carolina. As was discussed at the December 5, 2024 status conference and in prior status reports (*see* ECF No. 349), Mr. Laffitte’s assets were restrained by the state court on May 6, 2022 as a condition of his state court bond—and undersigned counsel intends to request that Judge Taylor authorize the release of funds to pay for counsel’s representation in the prior appeal and in connection with counsel’s representation in the upcoming retrial.

On December 6, 2024, undersigned counsel had a telephone conference with Assistant Attorney General Creighton Waters (“AAG Waters”) to discuss the use of restrained assets to pay attorney’s fees in connection with counsel’s representation in this matter and in the state prosecution(s). AAG Waters agreed that Mr. Laffitte has a Sixth Amendment right to the counsel of his choice, and that Mr. Laffitte should be able to use at least some portion of his assets to retain and pay counsel of his choice. However, AAG Waters has requested a general accounting of Mr. Laffitte’s assets and some judicial oversight of the reasonableness of Mr. Laffitte’s legal

expenditures. While undersigned counsel parts company with some of AAG's legal positions regarding the pre-trial restraint of assets as it does not appear that South Carolina state bond statutes (specifically S.C. Code Ann. § 17-15-10 *et. seq.*), allows any restriction of untainted assets pretrial, undersigned counsel has attempted to find middle ground with the state on this issue to avoid unnecessary litigation.

On December 9, 2024, prior to the hearing, the parties met with Judge Taylor in chambers to discuss their positions with regards to sensitive and confidential financial information. As later discussed on the record, Mr. Laffitte has agreed to provide an estimated accounting to the state court *in camera* of Mr. Laffitte's assets, funds owed to undersigned counsel and to Mr. Wilkins for the aforementioned appeal, and expected legal expenditures going forward with a proposal for allowing: (1) the use of Mr. Laffitte's share of restrained assets from the sale of his personal residence to pay a portion of the outstanding legal bills to the undersigned and Mr. Wilkins; and (2) to allow Mr. Laffitte to borrow against certain assets to fund the remainder of his defense. Mr. Laffitte has agreed to provide that material to Judge Taylor *in camera* this week, and has also agreed to allow state prosecutors to review that submission. Assuming the state has no objection and Judge Taylor is satisfied with the accounting, the undersigned will submit a proposed consent order to Judge Taylor next week.

Given these developments and the fact that the Government may have more details on its intentions with respect to the materials it has not yet reviewed that it discussed with the Court last week, Mr. Laffitte respectfully submits that another telephone status conference with the Court later next week might be most productive, but counsel will make themselves available at any such time that the Court may direct. Counsel also notes that a copy of this status report was provided to Government counsel prior to filing with the Court.

Respectfully submitted,

s/Mark C. Moore

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